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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,454	04/02/2001	Jonathan Paul Brennan	8047	9506

27752 7590 07/02/2004

THE PROCTER & GAMBLE COMPANY
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EXAMINER

SPERTY, ARDEN B

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/824,454	BRENNAN, JONATHAN PAUL	
	Examiner	Art Unit	
	Arden B. Sperty	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE 5/12/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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NON-FINAL OFFICE ACTION

1. The Request for Continued Examination, filed May 12, 2004, has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,505,719 to Cohen et al.

Regarding claims 1-2, the reference teaches a first layer (first outer layer) comprising synthetic bicomponent fibers and natural fibers (col 5, line 54- col 6, line 12). The synthetic fibers are contained in an amount of 10-100 wt%. The natural fibers are contained in an amount of 0-90 wt%. The disclosed ranges encompass the claimed ranges. Either of the second or third layer taught by the reference corresponds with Applicant's claimed inner layer. The second and third layers comprise 10-100 wt% synthetic fibers and 0-90 wt% natural fibers. The synthetic and natural fibers are selected from the same fibers as those of the first layer (col 6, line 29- col 7, line 30). The fourth layer corresponds to Applicant's claimed outer layer, and comprises 10-100 wt% synthetic fibers and 0-90 wt% natural fibers. The synthetic and natural fibers are selected from the same fibers as those of the first layer (col 7, line 51- col 8, line 7).

The reference teaches the card-and-bind (carded) method for making the nonwoven layers (col 8, lines 49-58). Carding is further discussed at col 9, lines –27.

The reference further teaches embossing along edges and in a random pattern across the web (col 9, lines 34-36) (discrete bond sites).

Regarding claims 3-5, the reference does not specifically measure the percent of total basis weight per layer. However, given the optimizable thicknesses of each layer (col 6, line 22-28, 59-64;

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col 7, lines 43-50; col 8, lines 19-26) and the cited density values (col 8, lines 62-col 9, line 22;

Examples 1 and 2) it follows that the claimed ranges are anticipated by the disclosure.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,505,719 as applied to claim 1 above, and further in view of USPN 6,333,093 to Burrell et al.

While the Cohen reference does not disclose bonding of the layers without adhesive, the Burrell reference teaches the advantages of ultrasonic bonding, without the use of an adhesive. The Burrell reference teaches multilayered, nonwoven, absorbent structures wherein the plurality of layers are bonded at discrete locations using ultrasonic welds. Ultrasonic welding is preferred over adhesive to retain the absorbent and moisture penetration properties, while retaining the conforming properties of the absorbent structure (col 13, lines 37-40). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Cohen reference in view of the Burrell reference to use ultrasonic welding in place of an adhesive in order to retain absorbent and moisture penetration properties, while retaining the conforming properties of the absorbent structure.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arden B. Sperty whose telephone number is (571)272-1543. The examiner can normally be reached on M-Th, 08:00-16:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571)272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arden B. Sperty
Examiner
Art Unit 1771

28 June 2004



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
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